

AMENDED IN SENATE APRIL 21, 2010

SENATE BILL

No. 1055

Introduced by Senator Ashburn

February 16, 2010

An act to add Section 11546.3 to the Government Code, relating to the State Chief Information Officer.

LEGISLATIVE COUNSEL'S DIGEST

SB 1055, as amended, Ashburn. State Chief Information Officer: fingerprints: criminal history.

Existing law authorizes certain state agencies to require fingerprint images and associated information from employees and prospective employees, and to furnish those images and that information to the Department of Justice for the purpose of obtaining information relating to criminal convictions.

This bill would, in addition, authorize the State Chief Information Officer to require fingerprint images and associated information from an employee, prospective employee, contractor, subcontractor, volunteer, or vendor whose duties include, or would include, access to confidential or sensitive information. The bill would allow the State Chief Information Officer to furnish those images and that information to the Department of Justice for the purpose of obtaining information relating to criminal convictions or the existence and content of a record of arrest, as specified. The bill would require the State Chief Information Officer to request subsequent arrest notifications, as specified, and would authorize the Department of Justice to assess a fee sufficient to cover the processing costs imposed by these provisions. *The bill also would require that an individual who is rejected as a result of information contained in the criminal offender record receive a copy of the response*

record from the State Chief Information Officer and that the State Chief Information Officer develop a written appeal process for an individual who is rejected for employment because of his or her record.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11546.3 is added to the Government
2 Code, to read:

3 11546.3. (a) The State Chief Information Officer may require
4 fingerprint images and associated information from an employee,
5 prospective employee, contractor, subcontractor, volunteer, or
6 vendor whose duties include, or would include, access to
7 confidential or sensitive information.

8 (b) The fingerprint images and associated information described
9 in subdivision (a) may be furnished to the Department of Justice
10 for the purpose of obtaining information as to the existence and
11 nature of a record of state or federal convictions and the existence
12 and nature of state or federal arrests for which the person is free
13 on bail or on his *or her* own recognizance pending trial or appeal.
14 Requests for federal criminal offender record information received
15 by the Department of Justice pursuant to this section shall be
16 forwarded to the Federal Bureau of Investigation by the Department
17 of Justice.

18 (c) The Department of Justice shall respond to the State Chief
19 Information Officer with information as provided under subdivision
20 (p) of Section 11105 of the Penal Code.

21 (d) The State Chief Information Officer shall request subsequent
22 arrest notifications from the Department of Justice as provided
23 under Section 11105.2 of the Penal Code.

24 (e) The Department of Justice may assess a fee sufficient to
25 cover the processing costs required under this section, as authorized
26 pursuant to subdivision (e) of Section 11105 of the Penal Code.

27 (f) *If an individual described in subdivision (a) is rejected as a*
28 *result of information contained in the Department of Justice or*
29 *Federal Bureau of Investigation criminal offender record*
30 *information response, the individual shall receive a copy of the*
31 *response record from the State Chief Information Officer.*

1 (g) *The State Chief Information Officer shall develop a written*
2 *appeal process for an individual described in subdivision (a) who*
3 *is determined ineligible for employment because of his or her*
4 *Department of Justice or Federal Bureau of Investigation criminal*
5 *offender record.*

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